

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

W. R. Grace & Co.-Conn.,

Petitioner,

v.

Black Diamond Capital Management, L.L.C.

Serve on Resident Agent:

The Corporation Trust Company

Corporation Trust Center

1209 Orange Street

Wilmington, Delaware 19801

Respondent.

Case No. _____

Vertellus Holdings LLC, *et al.*

Plaintiffs,

v.

W. R. Grace & Co.-Conn.,

Defendant.

Underlying Case:

Case No. 1:18-CV-03298-SAG-ADC

United States District Court
for the District of Maryland

**MOTION TO SEAL PETITIONER'S RULE 45 MOTION
TO COMPEL COMPLIANCE WITH SUBPOENA**

W. R. Grace & Co.-Conn. ("Grace"), pursuant to the Federal Rules of Civil Procedure, the Local Rules of the District of Delaware, and the parties' Stipulated Protective Order, respectfully asks the Court for leave to file and maintain under seal the contemporaneously filed Rule 45 Motion to Compel Compliance With Subpoena ("Motion to Compel").

The Court should permit filing under seal because in order to demonstrate the merits of Grace's argument, Grace's Motion to Compel quotes former Vertellus¹ CEO Richard Preziotti's

¹ Plaintiffs Vertellus Holdings LLC, Vertellus Integrated Pyridines LLC, Vertellus LLC,

July 30, 2020 and August 21, 2020 depositions that Vertellus has deemed to contain information that is Confidential pursuant to the Stipulated Protective Order in the Underlying Case. Because Vertellus is the primary party designating the subject information confidential, Grace requests the opportunity to meet and confer with Vertellus before submitting a redacted, public version of the Motion to Compel as required by the Administrative Procedures Governing Filing and Service by Electronic Means of this Court.

WHEREFORE, Grace respectfully requests that the Court grant this Motion and maintain the Motion to Compel under seal up to and including October 21, 2020, at which point Grace will file a redacted, public version of the Motion to Compel, and for all other just and proper relief.

Respectfully submitted,

Dated: October 15, 2020

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*Attorney for Petitioner W. R. Grace & Co.-
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Vertellus Specialty Chemicals (Nantong) Co., Ltd, and Vertellus Shanghai Trading Co., Ltd.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of October, 2020, a copy of the foregoing was served on the following persons via Certified Mail, Return Receipt Requested:

Black Diamond Capital Management, L.L.C.

Serve on Resident Agent:

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Corporation Trust Center

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Wilmington, Delaware 19801

Respondent

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Attorneys for Black Diamond Capital

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AND I FURTHER CERTIFY that on this 15th day of October, 2020, a copy of the foregoing was served via regular mail and email upon:

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